

CITY OF SAN JOSÉ, CALIFORNIA  
Department of Planning, Building and Code Enforcement  
801 North First Street, Room 400  
San José, California 95110-1795

## STAFF REPORT

Hearing Date/Agenda Number  
PC 12/10/03 Item: 3.d.  
CC 1/20/03 Item:

File Number  
PDC03-066

Application Type  
Planned Development Rezoning

Council District  
9

Planning Area  
Cambrian/Pioneer

Assessor's Parcel Number(s)  
45136006

### PROJECT DESCRIPTION

Completed by: Dipa Chundur

Location: Northeast corner of Branham Lane and Cherry Avenue

Gross Acreage: 0.36

Net Acreage: 0.36

Net Density: 8.3 DU/AC

Existing Zoning: CP Pedestrian Commercial

Existing Use: Commercial

Proposed Zoning: A(PD) Planned Development

Proposed Use: 3 Single-family detached residential units

### GENERAL PLAN

Completed by: DC

Land Use/Transportation Diagram Designation  
Medium Low Density Residential (8 DU/AC)

Project Conformance:  
☒ Yes ☐ No  
☒ See Analysis and Recommendations

### SURROUNDING LAND USES AND ZONING

Completed by: DC

North: Single-family houses

R-1-8 Residential Zoning District

East: Duplexes

R-2 Residential Zoning District

South: Vacant

A(PD) Planned Development Zoning District

West: Office/single-family houses

A(PD) Planned Development Zoning District

### ENVIRONMENTAL STATUS

Completed by: DC

☐ Environmental Impact Report found complete  
☐ Negative Declaration circulated on  
☐ Negative Declaration adopted on

☒ Exempt  
☐ Environmental Review Incomplete

### FILE HISTORY

Completed by: DC

Annexation Title: Robertsville No.6

Date: 06/23/1960

### PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☒ Approval  
☐ Approval with Conditions  
☐ Denial  
☐ Uphold Director's Decision

Date:

Approved by: \_\_\_\_\_  
☐ Action  
☒ Recommendation

### OWNER

Lam Paul And Susan L  
1323 Branham LN  
San Jose CA 95118-3706

### APPLICANT

Maher Louis  
Louis Engineering Corp  
778 N 1<sup>st</sup> St. Suite 200  
San Jose, CA 95112

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**PUBLIC AGENCY COMMENTS RECEIVED****Completed by: DC**

Department of Public Works

Memorandum Attached

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**Other Departments and Agencies**

N/A

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**GENERAL CORRESPONDENCE**

N/A

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**ANALYSIS AND RECOMMENDATIONS**

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**BACKGROUND**

The applicants, Paul and Susan Lam, are requesting a Planned Development Rezoning from CP Pedestrian Commercial to A (PD) Planned Development Zoning District to allow up to three single-family detached residential units on a 0.36 net acre site. The subject site is developed with a commercial building, which was remodeled in the mid 1980's (File No. H86-042) and had formally served as a gasoline service station in the late 1970's.

Surrounding land uses abutting the subject site consist of single-family detached residential to the north and duplexes to the east. A two-story office building and single-family houses are located across Cherry Avenue to the west. A vacant residential parcel is located across Branham Lane to the south. This vacant parcel has an approved Planned Development Zoning (File No. PDC98-008) for up to four single-family detached courthome units.

**Project Description**

The three proposed units will take access from a shared private driveway connecting to Branham Lane. The units range in size from 1,495 to 1,538 square-feet. All of the units have two stories with attached two-car garages and private rear yards. Four (4) common open parking spaces will be located on the east side of the site nearest the entrance to the development.

**ENVIRONMENTAL REVIEW**

The Director of Planning has determined that this project is exempt from environmental review under the provisions of the California Environmental Quality Act pursuant to Section 15303 (a) that pertains to projects for the construction of up to four (4) new houses.

While there will be temporary noise impacts from construction, conditions will be placed in the Planned Development (PD) Permit to ensure that the construction of the project is consistent with the General Plan requirements for noise levels and Zoning Ordinance for construction hours limitations. Temporary air quality impacts may occur from construction of the project, however, conditions will be placed in the

PD Permit to ensure that the construction site is well watered down to reduce particulate emissions to insignificant levels.

A Noise Assessment Study prepared in 1998 for the nearly identical residential project approved for the vacant lot across the street. The report identified that due to existing traffic noise mitigation would be necessary in order to meet the General Plan noise standards. The subject project will provide the same mitigation as was required for the adjacent project. This will include the soundwalls to buffer private outdoor open space areas adjacent to the street and the use of STC rated windows to meet the interior noise standards.

The subject site was formerly a service station site. All underground tanks have been previously removed, and the site has been cleaned up in accordance with State regulations and the City's Hazardous Materials Ordinance. Verification of appropriate underground tank removal and related soils testing occurred as part of the review of the previously approved Site Development Permit.

## **GENERAL PLAN CONFORMANCE**

The proposed project with a density of 8.3 DU/AC is consistent with the San Jose 2020 General Plan Land Use/Transportation Diagram designation of Medium Low Density Residential (8.0 DU/AC) under the use of the Discretionary Alternate Use Policy (Two Acre Rule). One of the goals of the General Plan is to encourage infill development, which may require innovative design solutions on some constrained sites. Under this discretionary General Plan policy, projects located on sites of two acres or less in size may be developed at a higher or lower General Plan density range. The appropriate density should be determined based on compatibility with surrounding land uses. Projects developed under this policy should be of exceptional design. See analysis section of this report for additional discussion.

## **ANALYSIS**

The key issues analyzed as part of this project include: 1) neighborhood compatibility and site design, and 2) conformance to the Residential Design Guidelines.

### Neighborhood Compatibility and Site Design

The proposed project is comparable with the surrounding land uses in terms of density. Existing surrounding development is comprised of single-family detached units (8.0 DU/AC), duplexes (16.0 DU/AC) and an approved residential courthome development across Branham Lane (9.0 DU/AC).

The site design and architectural motif is very similar to the approved, but not yet built, courthome project on the vacant parcel across Branham Lane. That project was developed by the same architect and civil engineer as the subject project.

The site plan was designed to maximize the building separation between the new structures and existing adjacent residential dwellings. Larger than required private rear yards with 20 foot building setbacks are provided along the northerly property line next to the existing single-family houses. Adjacent to the single-story duplexes to the east, a varied setback of 5 to 20 feet is proposed which exceeds that of the adjacent structure.

Due to the location of property adjacent to a signalized intersection, the project is subject to significant access constraints. Driveway access onto Cherry Avenue was not proposed to avoid potential safety

conflicts between vehicles exiting the site and right turn movements at the street intersection. The site was designed with the project driveway placed as far from the intersection as possible so that exiting vehicles are better able to utilize the left-turn pocket on Branham Lane without blocking through movements. The resulting design creates a somewhat less than ideal non-symmetrical site plan, however it better facilitates good placement of a guest parking area near the project entrance. The creation of such a parking area is important since there is no street parking allowed on either of the street frontages adjacent to the project.

The project design represents a good alternative to a conventional R-1-8 Residential Zoning district (non-planned development) three-lot subdivision. A conventional subdivision would most likely not be subject to discretionary review by the City. The resulting site design of such a proposal would probably result in a design that has a front orientation of units/garages and would facilitate cars backing out on either of the adjacent streets, less safe with regard to traffic operations. This would constitute an inferior project design. The project as proposed, with only one driveway access off the street offers safer ingress/egress with no “back-out” required, and helps to further maximize the amount of landscaping within the front setback area.

#### Conformance to the Residential Design Guidelines

Based on the configuration of the site plan, the proposed project is closest in design to a “courthome” development by the City’s Residential Design Guidelines. While a more symmetrical or mirror image site design layout with units oriented towards a central driveway/courtyard would generally be preferable, due to site design constraints as a result of the proximity of the signalized intersection, the proposed design represents a reasonable compromise that substantially conforms to the intent of the Residential Design Guidelines.

The project conforms to the Residential Design Guidelines on key elements such as perimeter setbacks. Additionally the project substantially exceeds the 400 square foot per unit minimum private open space standards as recommended for courthome units. The smallest rear yard proposed is about 600 square-feet, while the two rear units have over 1,000 square-feet each. Common open space is not required for projects that have fewer than 20 units. The project provides adequate on-site parking for both residents and guests.

The proposed Spanish/Mediterranean architectural style and general building massing is consistent with that of the approved, but not yet built, project at the southeast corner of Branham Lane and Cherry Avenue. The massing is also generally consistent with the office building that anchors street corner across Cherry Avenue. However, given that the most direct project interface will be with the existing adjacent one-story houses and duplexes that abut the property to the north and east, staff will work with the applicant at the PD Permit stage to reduce or better articulate the massing of the second stories.

#### **PUBLIC OUTREACH**

Notices for the public hearings and environmental review were distributed to the owners and tenants of all properties located within 500 feet of the project site. Staff has been available for answering any comments or questions.

## **RECOMMENDATION**

Planning staff recommends that the Planning Commission approve the subject rezoning for the following reasons:

1. The proposed project conforms to the General Plan Land Use/Transportation Diagram designation of Medium Low Density Residential (8 DU/AC) under the use of the Discretionary Alternate Use Policy (Two Acre Rule).
2. The proposed project is compatible with the surrounding neighborhood.
3. The project furthers the goals and objectives of the City's infill housing strategy.
4. The proposed project conforms to the intent of the Residential Design Guidelines.

**NOTE:** Development standards and other notes are included on a separate 8 ½ "x 11" attachment. These notes will be included on the Land Use Plan (General Development Plan) for this project prior to final approval of the project by the City Council.

Attachments